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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 SYMANTEC CORPORATION,  
10 Plaintiff,  
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No. C 06-7963 SI (WDB)  
ORDER TO SHOW CAUSE

12 v.

13 LOGICAL PLUS, INC., et al.,  
14 Defendants.  
15 \_\_\_\_\_/

16 On November 9, 2007, District Judge Illston ordered the parties in this case to  
17 participate in a follow-up settlement conference “before the end of the year.” Pursuant  
18 to that Order, the undersigned caused to be issued a Clerk’s Notice of Further Settlement  
19 Conference, dated November 20, 2007, which included the following orders to the parties  
20 and their lawyers: (1) by no later than December 10, 2000, lodge with the undersigned  
21 an updated Confidential Settlement Conference Statement and (2) through lead trial  
22 counsel and a representative of the client who has full authority to negotiate and settle the  
23 case, appear at the follow-up settlement conference in Courtroom 4 of the federal  
24 courthouse in Oakland, California, on December 18, 2007.

25  
26 No defendant lodged (ever) an updated Confidential Settlement Conference  
27 Statement. No defendant appeared at the courthouse on December 18th for the settlement  
28 conference. No lawyer for any defendant appeared at the courthouse on December 18th  
for the settlement conference.

1 On December 17, 2007, Mr. Lo, counsel for Logical Plus and Mr. Chang,  
2 telephoned the undersigned's chambers to seek permission to appear at the settlement  
3 conference by phone. Pursuant to standing order, such requests must be in writing and  
4 must be served and filed no fewer than seven court days before the settlement conference  
5 is to be held. No defendant and no defense lawyer timely filed any such request.

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7 Instead, on the morning of the scheduled settlement conference, December 18,  
8 2007, Mr. Lo e-filed a request that "Defendants" appear at the settlement conference by  
9 telephone. That filing includes the following paragraph: "Counsel for Defendants spoke  
10 with counsel for plaintiff regarding this request for telephonic appearance. Plaintiff has  
11 not objected to this request for telephonic appearance. Therefore, Defendants  
12 respectfully request the Court grant this request for telephonic appearance." Within a  
13 few hours, counsel for plaintiff filed a response to defendants' request. In that response,  
14 plaintiff objected to defendants' request to appear by phone and asserted that "At no time  
15 has Symantec ever indicated to the defense that it does not object." This assertion flatly  
16 contradicts the impression that Mr. Lo apparently tried to create, namely, that plaintiff  
17 did not object to defendants' request to appear by phone.

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19 Given the matters described in the preceding paragraphs, the Court hereby  
20 ORDERS Mr. Joseph Chang, Logical Plus, Inc., and Mr. Philip H. Lo, State Bar Number  
21 178538, to appear at 1:30 p.m., on MONDAY, JANUARY 14, 2008, in Courtroom 4 of  
22 the United States Courthouse in Oakland, California, TO SHOW CAUSE WHY THEY  
23 SHOULD NOT BE SANCTIONED FOR (1) failing to lodge an updated Confidential  
24 Settlement Conference Statement, (2) failing to appear in person at the settlement  
25 conference that was duly scheduled for December 18, 2007, (3) failing to timely file a  
26 written request to appear at the settlement conference by telephone instead of in person,  
27 and (4) misleading the Court about whether plaintiff objected to the last-minute request  
28 by defendants to appear by phone.

1 The Court hereby warns Mr. Chang, Logical Plus, Inc., and Mr. Lo that failure to  
2 appear in person on January 14, 2008, at the hearing on this Order to Show Cause will  
3 result in imposition of substantial financial sanctions and a recommendation that, as an  
4 additional sanction, the District Court enter judgment on Symantec's Complaint in its  
5 favor and against Logical Plus, Inc., and Mr. Chang (personally).

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7 IT IS SO ORDERED.

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9 Dated: December 21, 2007

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12 WAYNE D. BRAZIL  
13 United States Magistrate Judge  
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